
HOUSE BILL No. 1165

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-8-1; IC 3-8; IC 3-10-2; IC 3-13-1.

Synopsis: Ballot access; candidate deadlines. Reduces the number of signatures of registered voters required by a political party or an independent candidate to gain ballot access for all federal, state, and local offices and for local offices in a single political subdivision, and allows a political party obtaining ballot access by these methods to nominate its candidates by a state or local convention. Provides certain filing, certification, and withdrawal deadlines for petitions of nomination and candidates nominated by a state convention. Allows a party whose candidate obtains at least 0.5% of the total vote cast for federal or state office to remain on the ballot for all federal, state, and local offices until none of the party's candidates for federal or state office meet that requirement in two consecutive elections. Provides for certain deadlines for filling state convention candidate and early candidate vacancies.

Effective: Upon passage.

Frenz

January 8, 2003, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1165

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-6-8-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each bona fide political
3 party or an independent candidate for a federal or a state office is
4 entitled to appoint watchers at each precinct in which the political party
5 or independent candidate is on the ballot.

6 (b) This subsection applies to a public question that is submitted to
7 the electorate. A county election board may appoint watchers if a
8 petition requesting the appointment is filed with the board. The petition
9 must be signed by:

10 (1) the chairman of a political action committee organized under
11 IC 3-9 to support or oppose the approval of the public question;
12 and

13 (2) at least the number of voters equal to ~~two~~ **one-half** percent
14 (~~2%~~) (**0.5%**) of the votes cast in the last election for secretary of
15 state in the county.

16 (c) At any time during election day, each political action committee,
17 each political party, or an independent candidate for a federal or a state



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office may have only one (1) watcher present at each precinct's polls.

SECTION 2. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to each political party in the state:

(1) whose nominee for:

(A) any federal office (excluding the office of representative in the Congress of the United States); or

(B) any state office;

received at least one-half percent (0.5%) of the total vote cast at the last election for that office; or

(2) that, under section 1.5 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least ~~two~~ one-half percent (~~2%~~) (0.5%) of the total vote cast for secretary of state at the last election.

SECTION 3. IC 3-8-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) A petition described in section 1(2) of this chapter must be signed by the number of voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

(b) A person signing a petition described in section 1(2) of this chapter must be registered to vote at the time of signing the petition.

(c) A petition must contain the following information:

(1) A brief name of the political party circulating the petition.

(2) The signature of each person signing the petition.

(3) The name of each person signing the petition, legibly printed.

(4) The residence mailing address of each person signing the petition.

(5) A statement that the person is a registered and qualified voter.

(d) Each person signing a petition described in section 1(2) of this chapter must sign the person's name or have the person's mark on the petition attested.

(e) For a petition described in section 1(2) of this chapter to be considered valid, each person signing the petition must be certified as being a voter in a particular county by the circuit court clerk or board of registration of the county in which the person is registered. The certification must accompany and be part of each petition.

(f) A petition described in section 1(2) of this chapter,

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1 accompanied by the certification described in subsection (e), must
 2 be submitted to the office of the election division or circuit court
 3 clerk by noon July 15 of the year in which the party plans to
 4 conduct a state convention to nominate its candidates.

5 (g) If the office of the election division or the circuit court clerk
 6 determines that a petition described in section 1(2) of this chapter
 7 does not comply with the requirements of this section, the office or
 8 the clerk shall notify the party's state chairman not later than
 9 thirty (30) days after the petition is submitted, specifically stating
 10 the reason or reasons the petition does not comply with this section.

11 SECTION 4. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section applies to
 13 a political party:

14 (1) whose nominee for:

15 (A) any federal office (excluding the office of
 16 representative in the Congress of the United States); or

17 (B) any state office;

18 received at least ~~two one-half~~ percent (~~2%~~) (0.5%) but less than
 19 ten percent (10%) of the votes cast for ~~secretary of state that~~
 20 ~~office~~ at the last election for that office; or

21 (2) that, under section 1.5 of this chapter, obtains by petition
 22 the signatures of the number of registered voters equal to at
 23 least one-half percent (0.5%) of the total vote cast for
 24 secretary of state at the last election.

25 (b) A political party subject to this section shall also nominate the
 26 party's candidates for the following offices at the state convention of
 27 the party:

28 (1) United States Senator.

29 (2) United States Representative.

30 (3) Governor.

31 (4) Legislative office.

32 (5) A local office listed in IC 3-8-2-5.

33 SECTION 5. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A petition of nomination
 35 must be signed by the number of voters equal to ~~two one-half~~ percent
 36 (~~2%~~) (0.5%) of the total vote cast at the last election for secretary of
 37 state in the election district that the candidate seeks to represent.

38 (b) In determining the number of signatures required under this
 39 section, any fraction in excess of a whole number must be disregarded.

40 SECTION 6. IC 3-8-6-10, AS AMENDED BY P.L.260-2001,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 10. (a) Except as provided in section 11 of



1 this chapter, a petition of nomination must be submitted to the county
2 voter registration office of each county in which the election district is
3 located.

4 (b) The petition must be filed during the period beginning January
5 1 of the year in which the election will be held and ending at noon ~~June~~
6 ~~30~~ **July 15** before the election.

7 (c) The county voter registration office shall certify and file a
8 petition that complies with the requirements of this chapter with the
9 public official authorized to place names on the ballot (and with the
10 town clerk-treasurer, if the petition of nomination is for a town office)
11 not later than noon ~~July 15~~ **August 1**. Following certification of a
12 petition under this section, the office may, upon the request of a
13 candidate named in the petition, return the original petition to the
14 candidate for filing with the appropriate official in accordance with this
15 subsection.

16 (d) During a year in which a federal decennial census, federal
17 special census, special tabulation, or corrected population count
18 becomes effective under IC 1-1-3.5, a petition of nomination may be
19 filed for an office that will appear on the primary election ballot that
20 year as a result of the new tabulation of population or corrected
21 population count.

22 SECTION 7. IC 3-8-6-13.5, AS AMENDED BY P.L.260-2001,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 13.5. A candidate may withdraw a petition of
25 nomination by noon:

- 26 (1) ~~July 15~~ **August 1** before a general or municipal election; or
27 (2) forty-five (45) days before a special election.

28 SECTION 8. IC 3-8-7-8, AS AMENDED BY P.L.260-2001,
29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 8. (a) Either the chairman and secretary of a
31 state convention or the state chairman and state secretary of the
32 political party holding the state convention shall certify each candidate
33 nominated at the convention to the secretary of state not later than noon
34 ~~July 15~~ **August 1** before the general election.

35 (b) The certificate must state the following:

- 36 (1) Whether each candidate nominated by the convention has
37 complied with IC 3-9-1-5 by filing a campaign finance statement
38 of organization.
39 (2) That the candidate:
40 (A) is aware of the provisions of IC 3-9 regarding campaign
41 finance and the reporting of campaign contributions and
42 expenditures; and

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1 (B) agrees to comply with the provisions of IC 3-9.
 2 The candidate must separately sign the statement required by this
 3 subdivision.

4 (c) The commission shall prescribe the form of the certificate of
 5 nomination for the offices. The commission shall provide that the form
 6 of the certificate of nomination include the following information near
 7 the separate signature required by subsection (b)(2):

8 (1) The dates for filing campaign finance reports under IC 3-9.
 9 (2) The penalties for late filing of campaign finance reports under
 10 IC 3-9.

11 (d) A certificate of nomination must include a statement that the
 12 candidate requests the name on the candidate's voter registration record
 13 be the same as the name the candidate uses on the certificate of
 14 nomination. If there is a difference between the name on the candidate's
 15 certificate of nomination and the name on the candidate's voter
 16 registration record, the officer with whom the certificate of nomination
 17 is filed shall forward the information to the voter registration officer of
 18 the appropriate county as required by IC 3-5-7-6(e). The voter
 19 registration officer of the appropriate county shall change the name on
 20 the candidate's voter registration record to be the same as the name on
 21 the candidate's certificate of nomination.

22 SECTION 9. IC 3-8-7-14, AS AMENDED BY P.L.260-2001,
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 14. A certificate of nomination required to be
 25 filed with the election division or circuit court clerk shall be filed not
 26 later than noon ~~July 15~~ **August 1** before the date fixed for the election
 27 of the person nominated.

28 SECTION 10. IC 3-8-7-21, AS AMENDED BY P.L.260-2001,
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 21. (a) If a person has been nominated by two
 31 (2) or more political parties, or as an independent candidate and as the
 32 nominee of at least one (1) political party, the person must elect which
 33 of the nominations the person will accept.

34 (b) The election must be in writing, signed, acknowledged before an
 35 officer authorized to take acknowledgments, and filed in the office
 36 where a declaration of candidacy must be filed for the office under
 37 IC 3-8-2 or where a certificate of nomination by a convention must be
 38 filed under this chapter by noon ~~July 15~~ **August 1** before the election.

39 SECTION 11. IC 3-8-7-25 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a)** The election
 41 division and each county election board shall have printed on the
 42 respective general, special, or municipal election ballots the names of

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the following candidates:

(1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.

(2) Nominees chosen by a convention of a political party in the state whose candidate **for:**

(A) any federal office (excluding the office of representative in the Congress of the United States); or

(B) any state office;

received at least ~~two one-half~~ percent (~~2%~~) **(0.5%)** of the total vote cast for ~~secretary of state~~ **that office** at the last election and **was** certified under section 8 of this chapter.

(3) Nominees nominated by petition under IC 3-8-6.

(4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

(b) Candidates of a political party who are listed on an election ballot under subsection (a)(2) are entitled to be listed on the ballot for all general, special, and municipal elections until none of the political party's candidates for:

(1) any federal office (excluding the office of representative in the Congress of the United States); or

(2) any state office;

receives at least one-half percent (0.5%) of the total vote cast for any of those offices in two (2) consecutive elections.

SECTION 12. IC 3-10-2-15, AS AMENDED BY P.L.202-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section applies to a political party:

(1) whose nominee for:

(A) any federal office (excluding the office of representative in the Congress of the United States); or

(B) any state office;

received at least ~~two one-half~~ percent (~~2%~~) **(0.5%)** but less than ten percent (10%) **of the total vote cast at the last election for that office; or**

(2) that, under section 15.2 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the votes cast for secretary of state at the last election for that office in a political subdivision.

(b) This section applies only to a local office that is:

(1) not listed in IC 3-8-2-5; and

(2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

(c) A political party subject to this section shall nominate the party's



1 candidate for a local office at a county convention of the party.

2 (d) The chairman and secretary of the convention shall execute a
3 certificate of nomination in writing, setting out the following:

4 (1) The name of each nominee as:

5 (A) the nominee wants the nominee's name to appear on the
6 ballot; and

7 (B) the nominee's name is permitted to appear on the ballot
8 under IC 3-5-7.

9 (2) The residence address of each nominee.

10 (3) The office for which each nominee was nominated.

11 (4) That each nominee is legally qualified to hold office.

12 (5) The political party device or emblem by which the ticket will
13 be designated on the ballot.

14 Both the chairman and secretary shall acknowledge the certificate
15 before an officer authorized to take acknowledgment of deeds.

16 (e) Each candidate nominated under this section shall execute a
17 consent to the nomination in the same form as a candidate nominated
18 by petition under IC 3-8-6.

19 (f) The certificate required by subsection (d) and the consent
20 required by subsection (e) must be filed with the circuit court clerk of
21 the county containing the greatest percentage of population of the
22 election district for which the candidate has been nominated by the
23 convention not later than noon August 1.

24 (g) A candidate's consent to the nomination must include a
25 statement that the candidate requests the name on the candidate's voter
26 registration record be the same as the name the candidate uses on the
27 consent to the nomination. If there is a difference between the name on
28 the candidate's consent to the nomination and the name on the
29 candidate's voter registration record, the officer with whom the consent
30 to the nomination is filed shall forward the information to the voter
31 registration officer of the appropriate county. The voter registration
32 officer of the appropriate county shall change the name on the
33 candidate's voter registration record to be the same as the name on the
34 candidate's consent to the nomination.

35 SECTION 13. IC 3-10-2-15.2 IS ADDED TO THE INDIANA
36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: **Sec. 15.2. (a) A petition described**
38 **in section 15(a)(2) of this chapter must be signed by the number of**
39 **voters equal to at least one-half percent (0.5%) of the total vote**
40 **cast for secretary of state at the last election in a political**
41 **subdivision.**

42 (b) A person signing a petition described in section 15(a)(2) of

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1 this chapter must be registered to vote at the time of signing the
2 petition.

3 (c) A petition must contain the following information:

4 (1) A brief name of the political party circulating the petition.

5 (2) The signature of each person signing the petition.

6 (3) The name of each person signing the petition, legibly
7 printed.

8 (4) The residence mailing address of each person signing the
9 petition.

10 (5) A statement that the person is a registered and qualified
11 voter.

12 (d) Each person signing a petition described in section 15(a)(2)
13 of this chapter must sign the person's name or have the person's
14 mark on the petition attested.

15 (e) For a petition described in section 15(a)(2) of this chapter to
16 be considered valid, each person signing the petition must be
17 certified as being a voter in a particular county by the circuit court
18 clerk or board of registration of the county in which the person is
19 registered. The certification must accompany and be part of each
20 petition.

21 (f) A petition described in section 15(a)(2) of this chapter,
22 accompanied by the certification described in subsection (e), must
23 be submitted to the circuit court clerk of the county in which the
24 political subdivision is located by noon July 15 of the year in which
25 the party plans to conduct a convention in the political subdivision
26 to nominate its candidates.

27 (g) If the circuit court clerk of the county in which the political
28 subdivision is located determines that a petition described in
29 section 15(a)(2) of this chapter does not comply with the
30 requirements of this section, the clerk shall notify the party's
31 county chairman not later than thirty (30) days after the petition
32 is submitted, specifically stating the reason or reasons the petition
33 does not comply with this section.

34 SECTION 14. IC 3-13-1-2, AS AMENDED BY P.L.260-2001,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 2. A candidate vacancy that exists on a
37 primary election ballot may not be filled for the primary election. The
38 resulting vacancy on the following general or municipal election ballot
39 may be filled in the manner prescribed by this chapter, but only if it is
40 filled by noon ~~June 30~~ **August 1** before election day.

41 SECTION 15. IC 3-13-1-7, AS AMENDED BY P.L.260-2001,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

- (1) not later than noon ~~June 30~~ **August 1** after the primary election if the vacancy exists on a general or municipal election ballot; and
- (2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

- (1) The death of a candidate.
- (2) The withdrawal of a candidate.
- (3) The disqualification of a candidate under IC 3-8-1-5.
- (4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 16. IC 3-13-1-15, AS AMENDED BY P.L.260-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

- (2) The address of each candidate.

(b) The certificate shall be filed with:

- (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or
- (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office

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not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon ~~July 3~~ **August 4** before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 17. IC 3-13-1-20, AS AMENDED BY P.L.260-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than noon ~~June 30~~ **August 1** before election day. The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon ~~July 3~~ **August 4** before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 18. **An emergency is declared for this act.**

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